

Message Text

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ACTION L-02

INFO OCT-01 EUR-12 EA-06 ISO-00 IO-10 EB-07 CAB-02 CIAE-00

COME-00 DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 OIC-02

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P R 111045Z JUN 75

FM AMEMBASSY STOCKHOLM

TO SECSTATE WASHDC PRIORITY 4879

INFO AMEMBASSY BERN

AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY THE HAGUE

AMEMBASSY TOKYO

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E.O. 11652: N/A

TAGS: EAIR, PORG, ICAO, SW

SUBJECT: ICAO DIPLOMATIC CONFERENCE ON REVISION OF HAGUE PROTOCOL
TO WARSAW CONVENTION, MONTREAL

REF: STATE 126571

SUMMARY. BENGT NILSSON, SWEDISH JUSTICE MINISTRY, HAS PROVIDED EMBASSY WITH FAVORABLE GOS REACTION TO US SUGGESTION OF THREE-PART PROPOSAL TO AMEND HAGUE AND GUATEMALA PROTOCOLS TO WARSAW CONVENTION. GOS AGREES TO URGENT NECESSITY OF BRINGING INTO FORCE AMENDMENTS TO WARSAW/HAGUE SYSTEM THAT WOULD (A) REMOVE PRESENT AMBIGUITIES RE CONVERSION OF POINCARE FRANCS INTO NATIONAL CURRENCIES, AND (B) PROVIDE FOR INTRODUCTION OF AUTOMATIC DATA PROCESSING SYSTEMS IN DOCUMENT-ING CARRIAGE OF CARGO. IT IS WILLING TO DISCUSS US PROPOSAL

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FOR AMENDING GUATEMALA TO PERMIT STATES PARTY TO GUATEMALA TO

BE FREED FROM ITS CARGO PROVISIONS WHEN ACCEPTING NEW MONTREAL RULES, ALTHOUGH IN THIS AREA GOS HAS PUT FORTH PROPOSAL OF ITS OWN FOR CONSOLIDATION OF EXISTING INSTRUMENTS. GOS STRONGLY SUPPORTS CONVENING MEETING ALONG LINES SUGGESTED BY US TO DISCUSS MATTER AND WORK UP PROPOSALS LAST WEEK OF JUNE OR, AT LATEST, FIRST WEEK OF JULY. END SUMMARY.

1. AFTER CONSIDERATION WITHIN GOS OF EMBASSY'S WRITTEN AND ORAL PRESENTATIONS OF DEPARTMENT'S SUGGESTION OF THREE-PART PROPOSAL TO BE RAISED AT ICAO DIPLOMATIC CONFERENCE IN MONTREAL IN SEPTEMBER, JUSTICE MINISTRY LAWYER BENGT NILSSON HAS PROVIDED REACTION NOTED BELOW AND, ON STRICTLY INFORMAL BASIS, COPY OF WRITTEN COMMENTS BY SWEDEN CONCERNING DRAFT ARTICLES FOR REVISION OF WARSAW CONVENTION, WHICH GOS HAS SUBMITTED TO ICAO FOR CIRCULATION (TO BE AIRMAILED TO EB/OA/AN:STYLES).

2. GOS AGREES GUATEMALA PROTOCOL SHOULD BE OPENED FOR REVISION EITHER BY DIPLOMATIC CONFERENCE IN SEPTEMBER OR BY ONE CONVENED ASAP AFTERWARDS. SWEDEN HAS NO OBJECTIONS TO AMENDING GUATEMALA IN SEPTEMBER BUT, LIKE US, BELIEVES IT IMPORTANT TO SUBMIT PROPOSALS WELL IN ADVANCE IN ORDER TO ALLOW GOVERNMENTS TO CONSIDER THEM, MAKE SUGGESTIONS, AND TAKE POSITIONS.

3. GOS THEREFORE WELCOMES IDEA OF MEETING IN OSLO AFTER JUNE 25-26 INTRA-EUROPEAN MEETING. FOR PRACTICAL REASONS SWEDES WOULD FIND IT DIFFICULT TO MEET BEFORE JUNE 25. NILSSON REMARKED THAT WHETHER OR NOT MEETING WAS CONVENED IN OSLO WOULD OF COURSE DEPEND ON INDICATION THAT NORWEGIAN GOVERNMENT HAS NO OBJECTION. NILSSON HAS BEEN IN CONTACT WITH OSLO BUT SAID NORWEGIANS HAD NOT EXPRESSED AN OPINION TO HIM. GOS BELIEVES MEETING SHOULD BE HELD ELSEWHERE IF NOT IN OSLO. NILSSON THOUGHT IT APPROPRIATE THAT ALL EUROPEAN GOVERNMENTS PARTICIPATING IN INTRA-EUROPEAN MEETING SHOULD HAVE OPPORTUNITY TO TAKE PART IN ANY ADD-ON MEETING HELD IN OSLO.

4. SWEDES REGARD AMENDMENT OF GUATEMALA TO INTRODUCE SDR AS METHOD OF VALUING LIABILITY AS IMPORTANT AND URGENT MATTER. GOS IS ALSO OPTIMISTIC THAT SPECIAL PROVISIONS CAN BE WORKED OUT FOR STATE-TRADING COUNTRIES WITHOUT CONVERTIBLE CURRENCIES. NILSSON SUGGESTED, HOWEVER, THAT SOME CONTACTS IN ADVANCE LIMITED OFFICIAL USE

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OF SEPTEMBER MEETING WITH USSR AND EASTERN EUROPEAN COUNTRIES OUTSIDE IMF MIGHT BE USEFUL TO MAKE SURE THEY AGREE TO WHATEVER IS PROPOSED.

5. GOS PROPOSAL THAT WOULD HAVE EFFECT OF PERMITTING STATES PARTY TO GUATEMALA TO BE FREED FROM ITS CARGO PROVISIONS IS ANNEXED TO REPORT OF ICAO COUNCIL WORKING GROUP ON PROBLEM OF CONFLICTS BETWEEN NEW INSTRUMENTS AND GUATEMALA CITY PROTOCOL.

GOS PROPOSAL CALLS FOR COMPLETELY NEW CONVENTION EMBRACING BOTH GUATEMALA AND NEW RULES IN A CONSOLIDATED NEW INSTRUMENT, MAKING IT POSSIBLE FOR GOVERNMENTS TO ADHERE TO ONE OR BOTH OF ITS PARTS (I.E., EITHER GUATEMALA OR NEW RULES, OR BOTH). NILSSON EMPHASIZED, HOWEVER, THAT GOS WILLING TO DISCUSS OTHER SOLUTIONS TO PROBLEM.

6. GOS SUBMISSION TO ICAO CONTAINS FOLLOWING COMMENTS ON SUGGESTED CONSOLIDATION OF EXISTING INSTRUMENTS:

" SWEDISH GOVERNMENT CONSIDERS THAT THIS CONSOLIDATION SHOULD BE MADE ALREADY BY DIPLOMATIC CONFERENCE IN SEPTEMBER. CONSOLIDATION SUBSEQUENT TO THIS CONFERENCE WOULD NOT CLEAR UP SITUATION. IT WOULD ONLY CONFUSE MATTERS FURTHER BY ADDING ANOTHER INSTRUMENT TO EXISTING SERIES OF INSTRUMENTS...

" CONSOLIDATION COULD BE DONE IN ACCORDANCE WITH PROPOSAL SUBMITTED BY SWEDEN IN COUNCIL WORKING GROUP ON PROBLEM OF CONFLICTS....

" ADVANTAGES ... COULD BE SUMMARIZED AS FOLLOWS:

(A) NEW CONVENTION REDUCES PRESENT PLURALITY OF INSTRUMENTS BY REPLACING GUATEMALA CITY PROTOCOL AND DOES NOT CONTRIBUTE TO CONFUSION BY ADDING NEW PROTOCOL TO EXISTING PROTOCOLS;

(B) IT MAKES IT POSSIBLE FOR STATES TO BECOME PARTIES TO NEW CARGO PROVISIONS WITHOUT BEING OR BECOMING PARTIES TO GUATEMALA ... AND VICE VERSA;

(C) IT DOES NOT FORCE ANY STATE TO ACCEPT PROVISIONS WHICH IT DOES NOT WISH TO ADHERE TO, THUS REDUCING RISK OF BREAKDOWN OF UNIFORM LEGAL REGIME OF INTERNATIONAL AIR LAW;

(D) IT MEANS THAT STATES WHICH DO NOT ADHERE TO GUATEMALA CITY PROVISIONS WILL CONTINUE TO BE BOUND BY PASSENGER PROVISIONS OF HAGUE PROTOCOL IN RELATION TO ALL STATES WHICH HAVE NOT DENOUNCED SAID PROTOCOL;

(E) IT MAKES IT TECHNICALLY POSSIBLE FOR CONFERENCE TO LIMITED OFFICIAL USE

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INTRODUCE SDR AS METHOD OF VALUATION OF LIMITS WITH A BEARING ALSO ON LIMITS ESTABLISHED BY GUATEMALA ... WITHOUT ELABORATING ANOTHER PROTOCOL TO AMEND WARSAW CONVENTION;

(F) IT REMEDIES IN SIMPLE WAY ALL LEGAL PROBLEMS CREATED BY ABSENCE OF "NUCLEAR PROVISION" IN GUATEMALA ..."
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